

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas
FILED

MAR 09 2010

Clerk of Court

COACH, INC. and)
COACH SERVICES, INC.,)
vs.)
Plaintiffs) Civil Action No. 09-3777
C & H CORPORATION dba C&H)
SUNGLASSES adba C&H SUNGLASSES)
FACTORY, and DAVID TANG, an individual.)
Defendants.)

)

FIRST AMENDED ANSWER DEFENDANTS C & H CORPORATION dba C&H

SUNGLASSES adba C&H SUNGLASSES FACTORY AND DAVID TANG

NOW COME Defendants, C & H CORPORATION dba C&H Sunglasses adba C&H
Sunglasses Factory and DAVID TANG, an individual, and Amending their Answer, filed
herein, Deny, Admit or otherwise Respond to the averments of the Complaint of COACH,
INC. and COACH SERVICES, INC. as follows:

Nature of the Action

1. Defendants are without sufficient knowledge or information to admit or deny the
allegations of paragraph 1 OF THE complaint regarding the Nature of the Action.

Jurisdiction and Venue

2. Defendants are without sufficient knowledge or information to admit or deny the
allegations of Paragraph 2 of the Complaint regarding Jurisdiction and Venue.
3. The allegations of Paragraph 3 of the Complaint regarding Jurisdiction and Venue are

admitted.

4. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 4 of the Complaint regarding Jurisdiction and Venue.

Parties

5. The allegations of Paragraph 5 of the Complaint regarding Parties are admitted.
6. The allegations of Paragraph 6 of the Complaint regarding Parties are admitted.
7. The allegations of Paragraph 7 of the Complaint regarding Parties are admitted.
8. The allegations of Paragraph 8 of the Complaint regarding Parties are admitted.
9. The allegations of Paragraph 9 of the Complaint regarding Parties are denied.

David Tang's Personal Liability

10. The allegations of Paragraph 10 of the Complaint regarding David Tang's Personal Liability are denied.

The World Famous Coach Brand and Products

11. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 11 of the Complaint regarding The World Famous Coach Brand and Products.
12. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 12 of the Complaint regarding The World Famous Coach Brand and Products.
13. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 13 of the Complaint regarding The World Famous Coach Brand and Products.

The Coach Trademarks

14. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 14 of the Complaint regarding The Coach Trademarks.
15. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 15 of the Complaint regarding The Coach Trademarks.
16. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 16 of the Complaint regarding The Coach Trademarks.
17. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 17 of the Complaint regarding The Coach Trademarks.
18. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 18 of the Complaint regarding The Coach Trademarks.
19. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 19 of the Complaint regarding The Coach Trademarks.
20. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 20 of the Complaint regarding The Coach Trademarks.

The Coach Trade Dress

21. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 21 of the Complaint regarding The Coach Trade Dress.
22. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 22 of the Complaint regarding The Coach Trade Dress.
23. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 23 of the Complaint regarding The Coach Trade Dress.

24. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 24 of the Complaint regarding The Coach Trade Dress.

The Coach Copyrights

25. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 25 of the Complaint regarding The Coach Copyrights.
26. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 26 of the Complaint regarding The Coach Copyrights.
27. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 27 of the Complaint regarding The Coach Copyrights.

Defendant's Acts of Infringement and Unfair Competition

28. The allegations of Paragraph 28 of the Complaint regarding Defendant's Acts of Infringement and Unfair Competition are denied.
29. The allegations of Paragraph 29 of the Complaint regarding Defendant's Acts of Infringement and Unfair Competition are denied.
30. The allegations of Paragraph 30 of the Complaint regarding Defendant's Acts of Infringement and Unfair Competition are denied.
31. The allegations of Paragraph 31 of the Complaint regarding Defendant's Acts of Infringement and Unfair Competition are denied.
32. The allegations of Paragraph 32 of the Complaint regarding Defendant's Acts of Infringement and Unfair Competition are denied.
33. The allegations of Paragraph 33 of the Complaint regarding Defendant's Acts of Infringement and Unfair Competition are denied.

34. The allegations of Paragraph 34 of the Complaint regarding Defendant's Acts of Infringement and Unfair Competition are denied.
35. The allegations of Paragraph 35 of the Complaint regarding Defendant's Acts of Infringement and Unfair Competition are denied.
36. The allegations of Paragraph 36 of the Complaint regarding Defendant's Acts of Infringement and Unfair Competition are denied.
37. The allegations of Paragraph 37 of the Complaint regarding Defendant's Acts of Infringement and Unfair Competition are denied.
38. The allegations of Paragraph 38 of the Complaint regarding Defendant's Acts of Infringement and Unfair Competition are denied.

COUNT I
(Trademark Counterfeiting, 15 U.S.C. § 1114)

39. The allegations of Paragraph 39 of the Complaint regarding Trademark Counterfeiting are denied.
40. The allegations of Paragraph 40 of the Complaint regarding Trademark Counterfeiting are denied.
41. The allegations of Paragraph 41 of the Complaint regarding Trademark Counterfeiting are denied.
42. The allegations of Paragraph 42 of the Complaint regarding Trademark Counterfeiting are denied.
43. The allegations of Paragraph 43 of the Complaint regarding Trademark Counterfeiting are denied.
44. The allegations of Paragraph 44 of the Complaint regarding Trademark Counterfeiting are

denied.

45. The allegations of Paragraph 45 of the Complaint regarding Trademark Counterfeiting are denied.
46. The allegations of Paragraph 46 of the Complaint regarding Trademark Counterfeiting are denied.

COUNT II
(Trademark Infringement, 15 U.S.C. § 1114)

47. The allegations of Paragraph 47 of the Complaint regarding Trademark Infringement are denied.
48. The allegations of Paragraph 48 of the Complaint regarding Trademark Infringement are denied.
49. The allegations of Paragraph 49 of the Complaint regarding Trademark Infringement are denied.
50. The allegations of Paragraph 50 of the Complaint regarding Trademark Infringement are denied.
51. The allegations of Paragraph 51 of the Complaint regarding Trademark Infringement are denied.
52. The allegations of Paragraph 52 of the Complaint regarding Trademark Infringement are denied.
53. The allegations of Paragraph 53 of the Complaint regarding Trademark Infringement are denied.
54. The allegations of Paragraph 54 of the Complaint regarding Trademark Infringement are denied.

COUNT II
(Trade Dress Infringement, 15 U.S.C. § 1125(a))

55. The allegations of Paragraph 55 of the Complaint regarding Trade Dress Infringement are denied.
56. The allegations of Paragraph 56 of the Complaint regarding Trade Dress Infringement are denied.
57. The allegations of Paragraph 57 of the Complaint regarding Trade Dress Infringement are denied.
58. The allegations of Paragraph 58 of the Complaint regarding Trade Dress Infringement are denied.
59. The allegations of Paragraph 59 of the Complaint regarding Trade Dress Infringement are denied.
60. The allegations of Paragraph 60 of the Complaint regarding Trade Dress Infringement are denied.
61. The allegations of Paragraph 61 of the Complaint regarding Trade Dress Infringement are denied.
62. The allegations of Paragraph 62 of the Complaint regarding Trade Dress Infringement are denied.
63. The allegations of Paragraph 63 of the Complaint regarding Trade Dress Infringement are denied.

COUNT IV
(False Designation of Origin and False Advertising, 15 U.S.C. § 1125(a))

64. The allegations of Paragraph 64 of the Complaint regarding False Designation of Origin

and False Advertising are denied.

65. The allegations of Paragraph 65 of the Complaint regarding False Designation of Origin and False Advertising are denied.
66. The allegations of Paragraph 66 of the Complaint regarding False Designation of Origin and False Advertising are denied.
67. The allegations of Paragraph 67 of the Complaint regarding False Designation of Origin and False Advertising are denied.
68. The allegations of Paragraph 68 of the Complaint regarding False Designation of Origin and False Advertising are denied.
69. The allegations of Paragraph 69 of the Complaint regarding False Designation of Origin and False Advertising are denied.

COUNT V
(Trademark Dilution, 15 U.S.C. § 1125(c))

70. The allegations of Paragraph 70 of the Complaint regarding Trademark Dilution are denied.
71. The allegations of Paragraph 71 of the Complaint regarding Trademark Dilution are denied.
72. The allegations of Paragraph 72 of the Complaint regarding Trademark Dilution are denied.
73. The allegations of Paragraph 73 of the Complaint regarding Trademark Dilution are denied.
74. The allegations of Paragraph 74 of the Complaint regarding Trademark Dilution are denied.

75. The allegations of Paragraph 75 of the Complaint regarding Trademark Dilution are denied.
76. The allegations of Paragraph 76 of the Complaint regarding Trademark Dilution are denied.
77. The allegations of Paragraph 77 of the Complaint regarding Trademark Dilution are denied.

COUNT VI
(Copyright Infringement, 17 U.S.C. § 501)

78. The allegations of Paragraph 78 of the Complaint regarding Copyright Infringement are denied.
79. The allegations of Paragraph 79 of the Complaint regarding Copyright Infringement are denied.
80. The allegations of Paragraph 80 of the Complaint regarding Copyright Infringement are denied.
81. The allegations of Paragraph 81 of the Complaint regarding Copyright Infringement are denied.
82. The allegations of Paragraph 82 of the Complaint regarding Copyright Infringement are denied.
83. The allegations of Paragraph 83 of the Complaint regarding Copyright Infringement are denied.
84. The allegations of Paragraph 84 of the Complaint regarding Copyright Infringement are denied.
85. The allegations of Paragraph 85 of the Complaint regarding Copyright Infringement are

denied.

86. The allegations of Paragraph 86 of the Complaint regarding Copyright Infringement are denied.

COUNT VII
(Common Law Trademark Infringement)

87. The allegations of Paragraph 87 of the Complaint regarding Common Law Trademark Infringement are denied.

88. The allegations of Paragraph 88 of the Complaint regarding Common Law Trademark Infringement are denied.

89. The allegations of Paragraph 89 of the Complaint regarding Common Law Trademark Infringement are denied.

90. The allegations of Paragraph 90 of the Complaint regarding Common Law Trademark Infringement are denied.

91. The allegations of Paragraph 91 of the Complaint regarding Common Law Trademark Infringement are denied.

92. The allegations of Paragraph 92 of the Complaint regarding Common Law Trademark Infringement are denied.

93. The allegations of Paragraph 93 of the Complaint regarding Common Law Trademark Infringement are denied.

94. The allegations of Paragraph 94 of the Complaint regarding Common Law Trademark Infringement are denied.

95. The allegations of Paragraph 95 of the Complaint regarding Common Law Trademark Infringement are denied.

COUNT VIII

(Injury to Business Reputation and Trademark Dilution, § 16.29 T.B.C.C.)

96. The allegations of Paragraph 96 of the Complaint regarding Injury to Business Reputation and Trademark Dilution are denied.
97. The allegations of Paragraph 97 of the Complaint regarding Injury to Business Reputation and Trademark Dilution are denied.
98. The allegations of Paragraph 98 of the Complaint regarding Injury to Business Reputation and Trademark Dilution are denied.
99. The allegations of Paragraph 99 of the Complaint regarding Injury to Business Reputation and Trademark Dilution are denied.
100. The allegations of Paragraph 100 of the Complaint regarding Injury to Business Reputation and Trademark Dilution are denied.
101. The allegations of Paragraph 101 of the Complaint regarding Injury to Business Reputation and Trademark Dilution are denied.
102. The allegations of Paragraph 102 of the Complaint regarding Injury to Business Reputation and Trademark Dilution are denied.
103. The allegations of Paragraph 103 of the Complaint regarding Injury to Business Reputation and Trademark Dilution are denied.
104. The allegations of Paragraph 104 of the Complaint regarding Injury to Business Reputation and Trademark Dilution are denied.

COUNT IX

(Common Law Unfair Competition)

105. The allegations of Paragraph 105 of the Complaint regarding Common Law Unfair

Competition are denied.

106. The allegations of Paragraph 106 of the Complaint regarding Common Law Unfair Competition are denied.
107. The allegations of Paragraph 107 of the Complaint regarding Common Law Unfair Competition are denied.
108. The allegations of Paragraph 108 of the Complaint regarding Common Law Unfair Competition are denied.
109. The allegations of Paragraph 109 of the Complaint regarding Common Law Unfair Competition are denied.

COUNT X
(Common Law Unjust Enrichment)

110. The allegations of Paragraph 110 of the Complaint regarding Common Law Unjust Enrichment are denied.
111. The allegations of Paragraph 111 of the Complaint regarding Common Law Unjust Enrichment are denied.
112. The allegations of Paragraph 112 of the Complaint regarding Common Law Unjust Enrichment are denied.

COUNT XI
(Attorney Fees)

113. The allegations of Paragraph 113 of the Complaint regarding Attorney Fee are denied.
114. The allegations of Paragraph 114 of the Complaint regarding Attorney Fee are denied.
115. The allegations of Paragraph 115 of the Complaint regarding Attorney Fee are denied.

Conditions Precedent

116. Defendants are without sufficient knowledge or information to admit or deny the allegations of Paragraph 116 of the Complaint regarding Conditions Precedent.

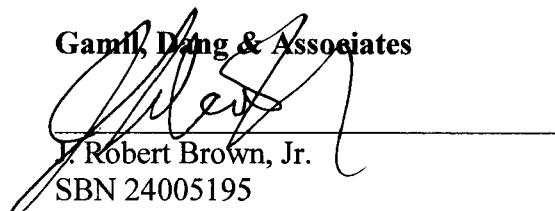
DEFENSES

117. Defendants would show that the acts complained of, if any, occurred without the knowledge or authorization of Defendants, or any of them, and were performed by independent third parties not under the direction and control of Defendants.

PRAYER

WHEREFORE, Defendants, C & H Corporation dba C&H Sunglasses adba C&H Sunglasses Factory, and David Tang, individually, request that upon final trial, Plaintiffs take nothing; that Defendants recover their reasonable attorney fees and costs in defending this lawsuit; and all other relief which is just and equitable.

Respectfully submitted,


Gamil, Dang & Associates

Robert Brown, Jr.
SBN 24005195
9600 Bellaire Blvd., Ste. 212
Houston, TX 77036
(713) 995-6300
fax (713) 995-5423
Attorney for Defendants

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Defendants.)
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CERTIFICATE OF SERVICE OF FIRST AMENDED ANSWER OF DEFENDANTS
C & H CORPORATION dba C&H SUNGLASSES adba C&H SUNGLASSES
FACTORY, and DAVID TANG

On behalf of the Defendants, C & H Corporation dba C&H Sunglasses adba C&H Sunglasses Factory, and DAVID TANG, I certify that I am more than 18 years of age, and I served a copy of the First Amended Answer of Defendants, C & H Corporation dba C&H Sunglasses adba C&H Sunglasses Factory, and DAVID TANG on this date:

March 8, 2010

- (a) by this method: facsimile transmission
- (b) on these entities: All entities listed on Exhibit 1

I certify under penalty of perjury that this is true.

DATE SIGNED: March 8, 2010

GAMAL DANG & ASSOCIATES

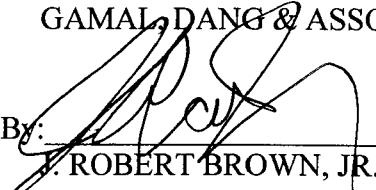
By: 
J. ROBERT BROWN, JR., ESQ.

EXHIBIT 1

Plaintiff

Coach, Inc. and Coach Services, Inc. c/o Victor C. Johnson, Esq., FISH & RICHARDSON
P.C., 1717 Main Street, Ste. 5000, Dallas, TX 75201 Fax (214) 747-2001.

Gamal, Dang & Associates
9600 Bellaire Blvd., Suite 212
Houston, TX 77036
Telephone: 713-995-6300
Fax: 713-995-5423

Gamal, Dang & Associates

Attorneys and Counselors at Law

FACSIMILE TRANSMITTAL SHEET

DATE: March 8, 2010

TO: **Victor C. Johnson, Esq.**

FAX NO. (214) 747-2091

FROM: J. Robert Brown, Jr.

RE: Civ. Act. No. 09-3777; *COACH, INC. v. C & H Corporation*

TOTAL PAGES: 5/6

COMMENTS:

Transmitted herewith: First Amended Answer

J Robert Brown Jr

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PAGE(S)	16
RESULT	OK
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Gamal, Dang & Associates
9600 Bellaire Blvd., Suite 212
Houston, TX 77036
Telephone: 713-995-6300
Fax: 713-995-5423

Gamal, Dang & Associates
Attorneys and Counselors at Law

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TOTAL PAGES: -5- 16

COMMENTS:

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J Robert Brown Jr